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IN THE SUPREME COURT

STATE OF ARIZONA

In the Matter of:)	
)	
PETITION TO ADOPT ARIZONA)	Supreme Court No. R-18-0021
RULES OF SMALL CLAIMS)	
PROCEDURE AND MODIFY)	COMMENT
RULE 101(b) OF THE JUSTICE)	
COURT RULES OF CIVIL)	
PROCEDURE)	
_____)	

Pursuant to Rule 28 of the Arizona Supreme Court, Marcus W. Reinkensmeyer, Court Services Director of the Administrative Office of the Courts (AOC), respectfully submits this comment to inform the Court of the position of the AOC regarding Rule 21 of the proposed Arizona Rules of Small Claims Procedure as set forth in Supreme Court Rule Petition R-18-0021.

In submitting this comment, I am mindful that AOC staff have staffed and supported the work of the Committee on Improving Small Claims Case Processing. However, the AOC's role extends to ensuring equal treatment of litigants and standardization of rules of procedure that will impact citizens throughout the state.

Rule 21 of the proposed Arizona Rules of Small Claims Procedure (“Rules”) provides an exemption of application of the Rules for consolidated justice courts of more than three justice court precincts operating on a blended calendaring system. Exempting these courts from the application of statewide rules frustrates the rationale for having statewide rules. More importantly, Arizona’s judiciary strives to ensure that Arizona’s citizens are treated uniformly in its courts. An exemption to the Rules complicates this objective by creating significantly different procedures, requirements, and court services for small claims litigants throughout the state.

A small claims system that has bifurcated procedures throughout the state not only creates disparate treatment among the citizens of Arizona, but it also complicates the administrative application of small claims procedures from court to court. This concern is exemplified in a scenario where a case is filed in a court that is exempt from applying the Rules and is then later transferred to a court that is *not* exempt from applying the Rules. Differences in service of process requirements, mandatory filing requirements, and dismissal timelines raise concerns regarding procedural fairness and due process.

Conclusion

For the reasons stated above, the AOC respectfully requests that the Court strike Rule 21 and make the appropriate corresponding revisions to Rule 101(b),

Justice Court Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this 18th day of October, 2018

/s/

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